

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MARK WITTMAN,

Appellant-Trustee,

v.

TIMOTHY A. KOENIG, and  
JILL M. KOENIG,

Appellees-Debtors.

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ORDER

15-cv-452-jdp

On July 23, 2015, appellant-trustee Mark Wittman filed a notice of appeal from a decision of the United States Bankruptcy Court for the Western District of Wisconsin. Dkt. 1. The bankruptcy court transmitted the record to this court, which triggered a briefing schedule on the merits of Wittman's appeal. But the parties jointly moved to stay that schedule because they had certified this case for a direct appeal to the Seventh Circuit. Dkt. 5. The day after the parties filed their motion, the bankruptcy court entered an order revoking its transmittal of the record to this court, indicating that the record had been transmitted in error. Dkt. 6.

The parties' joint motion to stay briefing appears to be moot because there is no record properly before the court. But to ensure that everyone is on the same page, the court will formally terminate briefing on the merits of this appeal. If the Seventh Circuit accepts the case, then the parties must promptly file an appropriate motion to close proceedings in this court. If the Seventh Circuit declines to hear the case, then the parties must inform both this court and the bankruptcy court. At that point, the bankruptcy court can re-transmit the record, and this court will set a new briefing schedule for the appeal.

IT IS ORDERED that:

1. Briefing on the bankruptcy appeal record, Dkt. 2, is CANCELLED.
2. The parties' joint motion to stay, Dkt. 5, is DENIED as moot.
3. This case is STAYED, pending a decision from the Seventh Circuit on whether it will hear the parties' direct appeal.

Entered August 27, 2015.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge